

### **REMARKS/ARGUMENTS**

This amendment and response is filed in reference to the final Office Action (hereinafter "Office Action") mailed January 23, 2009. In the Office Action, Claims 18 and 26-28 were rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. Claims 1-4, 6-8, 10-14, 16-22, 24-27, 29, and 32 were rejected under 35 U.S.C. § 103(a) as unpatentable over *Bunney, William* (U.S. Patent No. 6,487,584; hereinafter "Bunney") in view of *Shah et al.* (U.S. Patent No. 6,606,647; hereinafter "Shah"). Claims 9, 15, 23, and 28 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bunney and Shah in view of *Aravamudan et al.* (U.S. Patent No. 6,301,609; hereinafter "Aravamudan"), further in view of *Munday et al.* (U.S. Patent No. 6,480,593; hereinafter "Munday"). Claim 30 was rejected under 35 U.S.C. § 103(a) as unpatentable over Bunney and Shah in view of Munday. Finally, Claim 31 was rejected under 35 U.S.C. § 103(a) as unpatentable over Bunney and Shah in view of Aravamudan.

Reconsideration of the rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested. In this Amendment, no claims have been amended, claims 1-4 and 6-32 have been canceled, and claims 33-56 have been added. Therefore, claims 33-56 remain present for examination.

New claims do not add new matter and are supported by the Specification by at least the following:

- (1) With reference to Figure 1, an exemplary system for implementing the invention includes a general purpose computing device in the form of a conventional computer 20, including a processing unit 21, a system memory 22, and a system bus 23 that couples various system components including the system memory 22 to the processing unit 21. (Specification, at 10, ll. 11-14.)
- (2) [T]he presence information of a particular user is usually controlled by that user. (Specification, at 5, l. 5.)
- (3) In order to effectively update presence information in a system where a user is associated with more than one client, a client view status is created and maintained for each separate client. Each client view status reflects the status of the associated client. (Specification, at 5, ll. 17-20.)
- (4) When the status of one of the clients changes, then the associated client view status is changed to reflect the status change. However, the master view, which is the status of the user reflected to the user's subscribers, is dependent on both the

status change and the status of the other clients associated with the user. By evaluating the individual client view statuses and the proposed status change, the correct status of the user may be presented to both the subscribers and the other clients associated with the user via the master view status. (Specification, at 5:23-6:5.)

- (5) Thus, the master view reflects the status of the user to the subscribers while client views are utilized to determine both the status of the separate user clients associated with the user as well as the status that is reflected by the master view. (Specification, at 8, ll. 14-16.)
- (6) Exemplary states or statuses include, but are not limited to, online, offline, away, invisible, busy, back-soon, on-phone, at-lunch, and the like. (Specification, at 14, ll. 1-2.)
- (7) Each client in this embodiment has a client view that is associated with each client: view 315 is associated with client 303 and view 316 is associated with client 304. Views 315 and 316 reflect the current or default status of clients 303 and 304 respectively. Thus, if client 303 goes offline, then view 315 reflects that client 303 is offline. The master view 317, however, may not reflect the status change of client 303. The server 314 will review each of the client views such that the master view 317 accurately reflects the current state of the user 302, as opposed to reflecting the current state of one of the clients associated with the user 302. (Specification, at 16, ll. 5-12.)
- (8) When a status change is received at the server 314, the views 315 and 316 are often evaluated or compared to determine what the master view 317 should reflect to the subscribers. . . . More generally, the status change received from a client is evaluated by considering both the status change and the statuses indicated by the current client views. The status reflected by the master view 317 is determined by this evaluation. (Specification, at 19; ll. 8-10, 19-22.)
- (9) More generally, the status reflected to a user's subscribers can be determined using a priority system. In the examples described herein, the "Offline" status has the lowest priority, the "Idle" status has the next priority, and the remaining statuses have the highest priority. Using a priority scheme enables the master status to reflect or advertise the client view status with the highest priority. (Specification, at 20, ll. 7-13.)

### **Amendments to the Specification**

Applicants have made minor amendments to the Specification in order to resolve minor typographical errors. No new matter has been added.

Specifically, support for the first amendment, *i.e.*, “[t]he status reflected by the master view 317 does not necessarily correspond with the status of the last client to experience a status change,” is supported elsewhere in the Specification by at least the following:

For example, if a user has two clients, both of which have a view status of online, and one of the clients sends a status update of offline, the master view status is *not* changed because the correct status of the user is online.

(Specification, at 6, ll. 6-8; emphasis added.) The amendment is further supported by:

Thus, if client 303 goes offline, then view 315 reflects that client 303 is offline. The master view 317, however, may *not* reflect the status change of client 303.

(Specification, at 16, ll. 7-9.)

The second amendment, *i.e.*, “view 316 is associated with client [[306]] 304,” is supported with reference to FIG. 4, client “304” and view “316.”

As such, Applicants respectfully request that the Examiner enter the amendments to the Specification at the Examiner’s earliest convenience.

### **Claim Rejections – 35 U.S.C. § 101**

Claims 18 and 26-28 were rejected under 35 U.S.C. § 101 because the examiner found that the claims were allegedly directed to non-statutory subject matter. Claims 18 and 26 have been canceled and new independent claim 49 recites: “A computer system for updating presence information for a user . . ..”

As such, Applicants respectfully request that Examiner allow independent claim 49, and claims 50-56 that depend from the allowable independent claim 49, at the Examiner’s earliest convenience.

**Claim Rejections – 35 U.S.C. § 103(a) – Bunney in view of Shah**

Claims 1-4, 6-8, 10-14, 16-22, 24-27, 29, and 32 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bunney further in view of Shah. Applicants respectfully traverse the § 103(a) rejections because either the Examiner failed to state a *prima facie* case of obviousness or the current amendments to the claims now render the Examiner's arguments moot. To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the references must teach or suggest all of the claimed limitations to one of ordinary skill in the art at the time the invention was made. M.P.E.P. §§ 2142, 2143.03; *In re Royka*, 490 F.2d 981, 985 (C.C.P.A. 1974); *In re Wilson*, 424 F.2d 1382, 1385 (C.C.P.A. 1970). Further, under *KSR Int'l Co. v. Teleflex, Inc.*, there "must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." 127 S. Ct. 1727, 1741 (2007). However, to further prosecution of this matter, claims 1-4, 6-8, 10-14, 16-22, 24-27, 29, and 32 have been cancelled and the rejections are moot.

Moreover, Bunney does not teach or suggest all of the limitations of the new claims and Shah fails to compensate for this deficiency.

The present application discloses systems and methods for updating presence information for a user associated with one or more client devices. (See Abstract; see also claim 33.) Specifically, in one embodiment, the methods and systems determine and update accurate presence information for a user by "prioritizing a plurality of client status identifiers, wherein the plurality of client status identifiers are ordered from a lowest priority level to a highest priority level," as recited in new claim 33. Upon "receiving a first client status identifier from the first client device and a second client status identifier from the second client device," the methods "populat[e] a first client view with the first client status identifier and a second client view with the second client status identifier," as recited in new claim 33. The methods then "determin[e] a first relative priority level for the first client status identifier based on the prioritized plurality of client status identifiers" and "determin[e] a second relative priority level for the second client status identifier based on the prioritized plurality of client status identifiers." Upon "prioritizing the first client status identifier and the second client status identifier based on the first relative

priority level and the second relative priority level to determine a higher client status identifier,”  
the methods “populat[e] a first master view with the higher client status identifier, wherein the  
higher client status identifier is a first master status identifier, and wherein the first master view  
indicates accurate presence information for the user,” as recited in new claim 33. The presence  
information of the user is then “updat[ed] . . . with the accurate presence information,” as recited  
in new claim 33.

In another embodiment, the present methods and systems allow the user to “customiz[e]  
the prioritized plurality of client status identifiers to yield a prioritized plurality of customized  
client status identifiers, wherein the prioritized plurality of customized client status identifiers are  
ordered from a lowest customized priority level to a highest customized priority level,” as recited  
in new claim 41. Similar to the systems and methods disclosed above, the methods may then  
“determin[e] a first customized priority level for the first client status identifier based on the  
prioritized plurality of customized client status identifiers” and “determin[e] a second  
customized priority level for the second client status identifier based on the prioritized plurality  
of customized client status identifiers” and then “populat[e] a first master view with the higher  
client status identifier, wherein the higher client status identifier is a first master status identifier,  
and wherein the first master view indicates accurate presence information for the user,” as  
recited in new claim 41. The presence information of the user is then “updat[ed] . . . with the  
accurate presence information,” as recited in new claim 41.

Bunney relates to a “multiple personality” internet account system and discloses a  
solution to a problem occurring when a user is logged-in with one of several addresses (e.g.  
logged into one of a plurality of email accounts) and the user is not logged in using other  
addresses. (*Id.*) Specifically, Bunney teaches that a server intelligently (*e.g.*, using a lookup-  
table) notifies the user at the account where the user is logged-in when, for example, the user  
receives an email at an account where the user is not logged-in. (*Id.*) Bunney also teaches that a  
logged-in user may have one of four statuses: available, invisible, away, or busy. (*Id.*) More  
specifically, the “invisible” status does not permit other users to know anything about the user’s  
online or offline status. (*Id.*) Finally, Bunney discloses that a user may place a “do not disturb”

sign (e.g. a flash) on any of the user's addresses. The server will notify the user at any of the addresses that include the "do not disturb" sign.

However, Bunney fails to teach or suggest, *inter alia*, "prioritizing a plurality of client status identifiers, wherein the plurality of client status identifiers are ordered from a lowest priority level to a highest priority level," "determining a first relative priority level for the first client status identifier based on the prioritized plurality of client status identifiers," "determining a second relative priority level for the second client status identifier based on the prioritized plurality of client status identifiers," "prioritizing the first client status identifier and the second client status identifier based on the first relative priority level and the second relative priority level to determine a higher client status identifier," and "populating a first master view with the higher client status identifier, wherein the higher client status identifier is a first master status identifier, and wherein the first master view indicates accurate presence information for the user," as recited in new claim 33 (emphasis added). Bunney also fails to teach or suggest, *inter alia*, "prioritizing a plurality of client status identifiers, wherein the plurality of client status identifiers are ordered from a lowest priority level to a highest priority level," "customizing the prioritized plurality of client status identifiers to yield a prioritized plurality of customized client status identifiers, wherein the prioritized plurality of customized client status identifiers are ordered from a lowest customized priority level to a highest customized priority level," "determining a first customized priority level for the first client status identifier based on the prioritized plurality of customized client status identifiers," "determining a second customized priority level for the second client status identifier based on the prioritized plurality of customized client status identifiers," "prioritizing the first client status identifier and the second client status identifier based on the first customized priority level and the second customized priority level to determine a higher client status identifier," and "populating a first master view with the higher client status identifier, wherein the higher client status identifier is a first master status identifier, and wherein the first master view indicates accurate presence information for the user," as recited in new claim 41 (emphasis added).

Shah fails to compensate for the deficiencies of Bunney. Specifically, Shah relates to a server and method for routing messages to permit unified communications where a user has more

than one personal messaging device and desires to receive notifications via a preferred routing topology. (Shah, Abstract.) Specifically, Shah teaches that a user may have multiple computers (e.g. subscribers) logged-on to a web server, where each of the multiple computers may simultaneously run a routing client. (Shah, col. 5, ll. 33-39.) The server maintains a list of users that are currently logged-on to the server and the server can provide a log-on status of each user in the sender's groups. (Shah, col. 12, ll. 13-24.) The server also designates a newly logged-on client as a "primary client" and forces other clients (e.g., associated with a user) to become "passive" clients. (Shah, col. 14, ll. 13-41.) Once a client is instructed to become passive, then the new client transfers its routing preferences, which routes messages according to these preferences. (Shah, Col. 14, 51-54.)

However, Shah also fails to teach or suggest, *inter alia*, "prioritizing a plurality of client status identifiers, wherein the plurality of client status identifiers are ordered from a lowest priority level to a highest priority level," "determining a first relative priority level for the first client status identifier based on the prioritized plurality of client status identifiers," "determining a second relative priority level for the second client status identifier based on the prioritized plurality of client status identifiers," "prioritizing the first client status identifier and the second client status identifier based on the first relative priority level and the second relative priority level to determine a higher client status identifier," and "populating a first master view with the higher client status identifier, wherein the higher client status identifier is a first master status identifier, and wherein the first master view indicates accurate presence information for the user," as recited in new claim 33 (emphasis added). Shah also fails to teach or suggest, *inter alia*, "prioritizing a plurality of client status identifiers, wherein the plurality of client status identifiers are ordered from a lowest priority level to a highest priority level," "customizing the prioritized plurality of client status identifiers to yield a prioritized plurality of customized client status identifiers, wherein the prioritized plurality of customized client status identifiers are ordered from a lowest customized priority level to a highest customized priority level," "determining a first customized priority level for the first client status identifier based on the prioritized plurality of customized client status identifiers," "determining a second customized priority level for the second client status identifier based on the prioritized plurality of

customized client status identifiers,” “prioritizing the first client status identifier and the second client status identifier based on the first customized priority level and the second customized priority level to determine a higher client status identifier,” and “populating a first master view with the higher client status identifier, wherein the higher client status identifier is a first master status identifier, and wherein the first master view indicates accurate presence information for the user,” as recited in new claim 41 (emphasis added). As such, claims 33 and 41 are allowable over the references of record.

Independent claim 49 recites similar limitations to those of allowable claims 33 and 41 and is allowable for at least the same reasons. Specifically, claim 49 recites, *inter alia*, “prioritizing a plurality of client status identifiers, wherein the plurality of client status identifiers are ordered from a lowest priority level to a highest priority level,” “determining a first relative priority level for the first client status identifier based on the prioritized plurality of client status identifiers,” “determining a second relative priority level for the second client status identifier based on the prioritized plurality of client status identifiers,” “prioritizing the first client status identifier and the second client status identifier based on the first relative priority level and the second relative priority level to determine a higher client status identifier,” and “populating a first master view with the higher client status identifier, wherein the higher client status identifier is a first master status identifier, and wherein the first master view indicates accurate presence information for the user” (emphasis added). As such, the independent claim 49 is also allowable over the references of record.

For at least the same reasons, dependent claims 34-40, 42-48, and 50-56 are also allowable over the cited references. As such, Applicants respectfully request that Examiner issue an allowance for all claims, *i.e.*, claims 33-56, at the Examiner’s earliest convenience.

**Claim Rejections – 35 U.S.C. § 103(a) – Bunney in view of Shah, Aravamudan, Munday**

Claims 9, 15, 23, and 28 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bunney and Shah in view of Aravamudan further in view of Munday. Claim 30 has been rejected under 35 U.S.C. § 103(a) as unpatentable over Bunney and Shah in view of Munday. Claim 31 was rejected under 35 U.S.C. § 103(a) as unpatentable over Bunney and Shah in view



of Aravamudan. Applicants respectfully traverse the § 103(a) rejections because either the Examiner failed to state a *prima facie* case of obviousness or the current amendments to the claims now render the Examiner's arguments moot. However, claims 9, 15, 23, and 28 have been cancelled and the rejections are now moot.

Moreover, Bunney does not teach or suggest all the limitations of the new claims and Shah, Aravamudan, and Munday in any combination fail to compensate for Bunney's deficiencies.

Aravamudan discloses a "unified messaging solution and services platform . . . by utilizing the features and capabilities associated with instant messaging to locate a registered user, query the user for a proposed message disposition, and coordinate services among a plurality of communication devices." (Aravamudan, Abstract.) Specifically, Aravamudan discloses a prioritized buddy system wherein a buddy assigned a high priority and an active status "will be notified via the IM server of the user's 'real presence' when the user accesses the network via any of his provisioned CPE." (*Id.*, col. 10, ll. 2-6.) Alternately, if a buddy is assigned a low priority, the buddy will "always discern the presence of a user's proxy . . . however, will not be able to determine the 'real presence.'" (*Id.*, ll. 22-25.) That is, a low priority buddy will always view the proxy "whether or not the user is online or off-line." (*Id.*, ll. 25-26.)

Munday discloses an automatic call diversion system when a user has not interacted with the system for a predetermined period of time. (Munday, Abstract.) Specifically, Munday discloses initiating the call divert after the system has been idle for a particular period and then removing the call divert when the system detects a user interaction with the system. (*Id.*, col. 5, ll. 15-18.)

However, neither Aravamudan nor Munday teach or suggest, *inter alia*, "prioritizing a plurality of client status identifiers, wherein the plurality of client status identifiers are ordered from a lowest priority level to a highest priority level," "determining a first relative priority level for the first client status identifier based on the prioritized plurality of client status identifiers," "determining a second relative priority level for the second client status identifier based on the

prioritized plurality of client status identifiers,” “prioritizing the first client status identifier and the second client status identifier based on the first relative priority level and the second relative priority level to determine a higher client status identifier,” and “populating a first master view with the higher client status identifier, wherein the higher client status identifier is a first master status identifier, and wherein the first master view indicates accurate presence information for the user,” as recited in new claim 33 (emphasis added). Aravamudan and Munday also fails to teach or suggest, *inter alia*, “prioritizing a plurality of client status identifiers, wherein the plurality of client status identifiers are ordered from a lowest priority level to a highest priority level,” “customizing the prioritized plurality of client status identifiers to yield a prioritized plurality of customized client status identifiers, wherein the prioritized plurality of customized client status identifiers are ordered from a lowest customized priority level to a highest customized priority level,” “determining a first customized priority level for the first client status identifier based on the prioritized plurality of customized client status identifiers,” “determining a second customized priority level for the second client status identifier based on the prioritized plurality of customized client status identifiers,” “prioritizing the first client status identifier and the second client status identifier based on the first customized priority level and the second customized priority level to determine a higher client status identifier,” and “populating a first master view with the higher client status identifier, wherein the higher client status identifier is a first master status identifier, and wherein the first master view indicates accurate presence information for the user,” as recited in new claim 41 (emphasis added). As such, for at least the same reasons stated above, claims 33 and 41 are allowable over the recited references. Further, independent claim 49 is also allowable over the recited references as they claim similar limitations.

For at least the same reasons, dependent claims 34-40, 42-48, and 50-56 are also allowable over the cited references. As such, Applicants respectfully request that Examiner issue an allowance for all claims, *i.e.*, claims 33-56, at the Examiner’s earliest convenience.

### **Conclusion**

This Amendment fully responds to the Final Office Action mailed on January 23, 2009. Still, that Office Action may contain arguments and rejections that are not directly addressed by

this Amendment due to the fact that they were rendered moot in light of the preceding arguments in favor of patentability. Hence, the failure of this Amendment to directly address an argument raised in the Office Action should not be taken as an indication that the Applicants believe the argument has merit. Furthermore, the claims of the present application may contain other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the art of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

This Preliminary Amendment is filed concurrently with a Request for Continued Examination. It is believed that no further fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

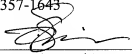
In light of the above remarks and amendments, it is believed that claims 33-56 are now in condition for allowance, and Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.



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Respectfully submitted,

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